

ASSEMBLY BILL

No. 1098

Introduced by Assembly Member Garcia

February 20, 2003

An act to amend Section 290.85 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as introduced, Garcia. Sex offenders.

Existing law requires any person released on probation or parole for commission of a sexual offense the commission of which requires him or her to register as a sex offender to read and sign a form stating that the duty to register has been explained to him or her, as specified. Existing law requires every parolee who is required to register as a sex offender to provide proof of registration to his or her parole agent within 6 working days of release on parole and proof of any revision or annual update to his or her registration information to his or her parole agent at their next scheduled supervision appointment.

This bill would require, in addition, that every person released on probation who is required to register as a sex offender provide his or her probation officer proof of their registration within 6 working days of his or her release. This bill would also require every person who is released on probation or parole and who is required to register as a sex offender to provide proof of any revision or annual update for so long as that person is required to be under the supervision of a parole officer.

Because this bill would require employees of local agencies to perform additional duties and would change the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.85 of the Penal Code is amended to
2 read:

3 290.85. (a) Every ~~parolee~~ *person released on probation or*
4 *parole* who is required to register as a sex offender, pursuant to
5 Section 290, shall provide proof of registration to his or her
6 *probation officer or* parole agent within six working days of
7 release on *probation or* parole. The six-day period for providing
8 proof of registration may be extended only upon determination by
9 the *probation officer or* parole agent that unusual circumstances
10 exist relating to the availability of local law enforcement
11 registration capabilities that preclude the ~~parolee's~~ *person's* ability
12 to meet the deadline. ~~Every parolee~~

13 (b) *Every person released on probation or parole* who is
14 required to register as a sex offender pursuant to Section 290 shall
15 provide proof of any revision or annual update to his or her
16 registration information to his or her *probation officer or* parole
17 agent ~~at his or her next scheduled supervision appointment~~ *within*
18 *five working days for so long as he or she is required to be under*
19 *the supervision of a probation officer or parole agent.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution for
22 certain costs that may be incurred by a local agency or school

1 district because in that regard this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

7 However, notwithstanding Section 17610 of the Government
8 Code, if the Commission on State Mandates determines that this
9 act contains other costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million dollars
14 (\$1,000,000), reimbursement shall be made from the State
15 Mandates Claims Fund.

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